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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,360	04/19/2004	Hidchiko Sudo	04329.3305	1074

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EXAMINER

ALI, OMAR R

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/826,360

Applicant(s)

SUDO, HIDEHIKO

Examiner

Omar Abdul-Ali

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the original filing of April 19, 2004. Claims 1-14 are pending and have been considered below.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. A sensor which detects a direction of heat conduction is not enabled by the specification because it is not specified how this sensor operates in the invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 7, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2109

Claims 4, 7, and 12: The term "almost" in claims 4, 7, and 12 is a relative term which renders the claim indefinite. The term "almost" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 6, 7, 9, 11, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Honma (US 7,030,912).

Claim 1: Honma discloses an electronic apparatus and display control method, comprising:

- a. a display unit configured to display a user interface image (column 5, lines 20-25);
- b. a setting unit configured to set a position of the display unit to be positioned to one of a first position and a second position (column 7, lines 39-47);

Art Unit: 2109

c. an arrangement control unit configured to control arrangement of the user interface image to be displayed on the display unit based on a setting result of the setting unit (column 7, lines 26-47).

Claim 2: Honma discloses an electronic apparatus and display control method as in Claim 1 above, further comprising:

a. the second position is a position to which the display unit is turned from the first position (column 7, lines 7-16).

Claim 3: Honma discloses an electronic apparatus and display control method, comprising:

a. an imaging unit configured to image a subject (column 5, lines 20-25);

b. a display unit configured to display a composite image obtained by superposing a subject image imaged by the imaging unit and a user interface image (column 7, lines 7-16);

c. a setting unit configured to set a position of the display unit to be viewed to one of a first position and a second position (column 7, lines 7-16);

d. an arrangement control unit configured to control arrangement of the user interface image in the composite image to be displayed on the display unit based on a setting result of the setting unit (column 7, lines 26-47).

Art Unit: 2109

Claim 4: Honma discloses an electronic apparatus and display control method, comprising:

a. the second position is a position to which the display unit is turned by almost a right angle from the first position with a normal of the display unit used as an axis (column 7, lines 7-16).

Claim 6: Honma discloses an electronic apparatus and display control method, comprising:

a. an imaging unit configured to image a subject (column 5, lines 20-25);
b. a display unit configured to display a composite image obtained by superposing a subject image imaged by the imaging unit and a user interface image (column 7, lines 7-16);

c. a detection unit configured to detect a position of the display unit to be viewed to one of a first position and a second position (column 7, lines 39-47);

d. an arrangement control unit configured to control arrangement of the user interface image in the composite image to be displayed on the display unit based on a detection result of the detection unit (column 7, lines 26-47).

Claim 7: Honma discloses an electronic apparatus and display control method as in

Claim 6 above, further comprising:

Art Unit: 2109

a. the second position is a position to which the display unit is turned by almost a right angle from the first position with an normal of the display unit used as an axis (column 7, lines 7-16).

Claim 9: Honma discloses an electronic apparatus and display control method as in Claim 6 above, further comprising:

a. the detection unit is a sensor which detects a direction of gravity (column 7, lines 39-47).

Claim 11: Honma discloses an electronic apparatus and display control method, comprising:

a. imaging a subject (column 5, lines 20-25);

b. displaying a composite image obtained by superposing an image of the imaged subject and a user interface image (column 7, lines 7-16);

c. determining whether the composite image is to be viewed in a first orientation or a second orientation (column 7, lines 7-16);

d. controlling arrangement of the user interface image in the composite image to be displayed based on a result of the determining (column 7, lines 39-47).

Claim 12: Honma discloses an electronic apparatus and display control method as in Claim 11 above, further comprising:

Art Unit: 2109

a. the second orientation is an orientation to which the display surface is turned by almost a right angle from the first orientation with a normal line thereof used as an axis (column 7, lines 7-16).

Claim 14: Honma discloses an electronic apparatus and display control method as in Claim 11 above, further comprising:

a. the determining is performed based on an output signal of a sensor (column 7, lines 39-47).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma (US 7,030,912) in view of Schrock et al. (US 5,923,908).

Claims 5 and 8: Honma discloses an electronic apparatus and display control method as in Claims 3 and 6 above, but does not explicitly disclose a touch-type input unit, an input surface of which is superposed on a display surface of the display unit, or an input control unit configured to control an input from the input unit based on an arrangement result of the arrangement control unit. Schrock discloses a similar electronic apparatus

Art Unit: 2109

that further discloses a touch sensitive screen and a processor connected to the touch sensitive screen used to display a camera control icon at different user selectable positions so that touching the icon controls the corresponding camera action (column 2, lines 30-39). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a touch type input unit and an input control unit (processor) configured to control an input from the input unit based on an arrangement result in Honma. One would have been motivated to include these features for design choice.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honma (US 7,030,912) in view of McNamara (US 2002/0067413)

Claim 10: Honma discloses an electronic apparatus and display control method as in Claim 6 above, but does not explicitly disclose the detection unit is a sensor which detects a direction of heat conduction. McNamara discloses a similar electronic apparatus that further discloses using an infrared camera to detect heat sources (page 1, paragraphs 4, 8, and 9). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a sensor detecting heat conduction in McNamara. One would have been motivated to include a sensor which detects the direction of heat conduction for design choice.

Art Unit: 2109

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honma (US 7,030,912) in view of Dibella et al. (US 2004/0046869).

Claim 13: Honma discloses an electronic apparatus and display control method as in Claim 11 above, but does not explicitly disclose the determining is performed based on a state of a switch or an operation state of the switch. Dibella discloses a similar electronic apparatus that further discloses a tilt sensor used to detect the orientation of a digital camera that is enabled when a vertical release switch is enabled (page 2, paragraph 19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to perform a determining operation in Honma based on a state of a switch. One would have been motivated to perform the determining based on the state of a switch in order to allow the user to designate shooting orientation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2109

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
4/10/07


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